

ENTERED

August 25, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DALE B. ADAMS,

Plaintiff,

VS.

US DEPARTMENT OF DEFENSE, *et al*,

Defendants.

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MISCELLANEOUS NO. 2:12-MC-304

**OPINION AND ORDER DENYING APPLICATION FOR LEAVE TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

On July 26, 2012, Plaintiff's Miscellaneous Application for leave to proceed *in forma pauperis* (D.E. 1) was withdrawn without prejudice at Plaintiff's request (D.E. 4). Over four years later and without any explanation or citation to authority, Plaintiff filed a Notice of Appeal to the Fifth Circuit (D.E. 5, 8). Pending is his application for leave to appeal *in forma pauperis* (D.E. 10).

Plaintiff's application for leave to proceed *in forma pauperis* on appeal (D.E. 10) is not taken in good faith, and is denied. 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a). Plaintiff's appeal was not timely filed and Plaintiff cited to no law that would permit late filing of his notice of appeal. FED. R. CIV. P. 4. The Court of Appeals lacks jurisdiction to hear it. *Bowles v. Russell*, 551 U.S. 205, 214 (2007); *Bebout v. Beto*, 472 F.2d 339 (5th Cir. 1973).

ORDERED this ____ day of 8/25/16, 2016.

 NELVA GONZALES RAMOS
 UNITED STATES DISTRICT JUDGE